

**GEORGIA BOARD OF DENTISTRY**  
**Board Meeting**  
**2 Peachtree St., N.W., 36<sup>th</sup> Floor**  
**Atlanta, GA 30303**  
**October 14, 2016**  
**10:00 a.m.**

**The following Board members were present:**

Dr. Bert Yeargan, President  
Dr. Richard Bennett  
Ms. Becky Bynum  
Dr. Tracy Gay  
Dr. Greg Goggans  
Ms. Wendy Johnson  
Dr. Dale Mayfield  
Dr. Antwan Treadway

**Staff present:**

Tanja Battle, Executive Director  
Bryon Thernes, Assistant Attorney General  
Anil Foreman, Legal Officer

**Visitors:**

Callie Michael, GA School of Orthodontics  
Carol Lefebvre, DCG  
James E. Barron, GDS  
Stephanie Lotti, GDA  
T.J. Kaplan, PDS

**Open Session**

Dr. Yeargan established that a quorum was present and called the meeting to order at 10:01 a.m.

**Introduction of Visitors**

Dr. Yeargan welcomed the visitors.

**Approval of Minutes**

Dr. Goggans made a motion to approve the Public and Executive Session minutes for the September 16, 2016 meeting and the minutes for the September 28, 2016 conference call. Dr. Treadway seconded and the Board voted unanimously in favor of the motion.

**Licenses to Ratify**

Dr. Gay made a motion to ratify the list of licenses issued. Dr. Treadway seconded and the Board voted unanimously in favor of the motion.

**Correspondence from Wheat Family Dental**

The Board considered this correspondence asking if certain procedures must be completed and charged out under a supervising dentist. Dr. Bennett made a motion to direct staff to respond by referring the individual to Board Rule 150-5-.03 Supervision of Dental Hygienists for more information. Dr. Gay seconded and the Board voted unanimously in favor of the motion.

**Correspondence from Laurie Sargeant**

The Board considered this correspondence asking if expanded duties and certified dental assistants are able to perform a soft reline in a temporary healing denture, along with adjustments. Ms. Johnson made a motion to direct staff to respond by referring Ms. Sargeant to Board Rule 150-5-.03 Supervision of Dental Hygienists for more information. Dr. Treadway seconded and the Board voted unanimously in favor of the motion.

**Correspondence from Mike Long, Elements Behavioral Health**

The Board considered this correspondence requesting the Board consider its two separate programs, Promises and COPAC, as approved providers for the Board. Discussion was held as to how the Board previously reviewed and evaluated requests such as this. Dr. Treadway made a motion for the table this matter until its next meeting. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

**Correspondence from Greg Marquardt, CODA**

The Board considered this correspondence regarding an invitation to participate in upcoming site evaluations for 2017. Dr. Bennett made a motion to recommend Dr. Nalley and Dr. Holcomb as representatives to attend the site visit. Dr. Gay seconded and the Board voted unanimously in favor of the motion.

**Correspondence regarding teeth whitening**

Dr. Gay made a motion to table this matter and receive advice from Mr. Thernes in Executive Session. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

**Correspondence from Dr. Carol Lefebvre, Augusta University**

The Board considered this correspondence from Dr. Lefebvre requesting the Board consider digital portfolios, a compilation of digital photographs, as an additional method of supplementing student rotations. After further discussion, Dr. Treadway made a motion to table this matter and receive legal advice from Mr. Thernes in Executive Session. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

**Correspondence from Dr. Christine Barry, National Provider Compliance Corporation**

The Board considered this correspondence regarding Board Rule 150-3-.09 Continuing Education for Dentists. Dr. Treadway made a motion to direct staff to respond to Dr. Barry by stating the Board wishes to thank her for her input and will take this matter under advisement. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

**Correspondence from Eric Klein**

The Board considered this correspondence regarding whether or not a dentist may give a gift card to a patient for referrals or to an individual as an inducement to become a patient of the dentist. Dr. Bennett made a motion to refer this matter to the Rules Committee with the expectation that the Committee will bring its proposal back to the full Board within ninety (90) days. Dr. Gay seconded and the Board voted unanimously in favor of the motion.

**General – Dr. Bert Yeargan**

No report.

**CE Audit Committee Report – Dr. Richard Bennett**

Dr. Bennett reported that the CE Audit Committee was asked to review information provided by CE Broker, which is a tracking system for continuing education. Dr. Bennett stated that he would like to give CE Broker an opportunity to make a presentation to the full Board sometime in the near future.

**Conscious Sedation/General Anesthesia Committee Report – Dr. Antwan Treadway**

No report.

**Credentials Committee Report – Dr. Greg Goggans**

No report.

**Dental Hygiene Committee Report – Ms. Rebecca Bynum**

No report.

**Examination Committee Report – Dr. Steve Holcomb**

No report.

**Investigative Committee Report – Dr. Bert Yeargan**

No report.

**Legislative Committee Report – Dr. Greg Goggans**

No report.

**Licensure Overview Committee Report – Dr. Tracy Gay**

No report.

**Rules Committee Report – Dr. Tom Godfrey**

No report.

**Education Committee Report – Dr. Tom Godfrey**

No report.

**Long Range Planning Committee Report – Dr. Steve Holcomb**

No report.

**CRDTS Steering Committee – Dr. Logan Nalley**

No report.

**IP Committee Report – Dr. Richard Bennett**

No report.

**EDDA Review Committee – Dr. Greg Goggans**

Dr. Goggans reported that letters were sent out to the various associations back in July requesting a survey of its members be conducted for input as to what should be included in EDDA training and what expanded duties should be added to Board Rule 150-9-.02 Expanded Duties of Dental Assistants. He stated that the results from the survey will be compiled by the Committee and presented to the full Board around the first of the year.

**Executive Director’s Report – Ms. Tanja Battle**

Ms. Battle reported that a request was received from LaSharn Hughes, Executive Director of the Georgia Board for Physician Workforce, asking for a dentist to serve on a committee for the Board. The Board awards loans to students who later serve in underserved areas and it is looking for a recommendation for a rural practitioner for the advisory committee. Ms. Battle stated that the committee only meets twice a year and those meetings may be conducted by telephone. Any suggestions may be sent to Ms. Battle.

Dr. Antwan Treadway made a motion and Dr. Richard Bennett seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §43-1-19(h)(2), §43-11-47(h) and §43-1-2(k) to deliberate and receive information on applications, investigative reports, and the Assistant Attorney General’s report. Voting in favor of the motion were those present who included Dr. Richard Bennett, Ms. Becky Bynum, Dr. Tracy Gay, Dr. Greg Goggans, Ms. Wendy Johnson, Dr. Dale Mayfield, Dr. Antwan Treadway and Dr. Bert Yeargan.

**Appearance**

- K.A.G.

**Licensure Overview Committee Appointments/Discussion Cases**

- A.M.S.
- C.J.

**Applications**

- A.A.M.
- K.A.J.
- X.L.
- A.L.
- D.O.
- G.V.Z.
- S.E.G.
- A.X.
- S.Y.
- M.A.G.
- S.Y.K.
- C.J.S.
- H.S.P.
- B.L.S.
- C.C.T.
- G.T.A.
- L.B.
- J.M.V.

**Correspondences**

- R.C.K.
- S.E.W.
- A.F.T.
- R.T.

**Investigative Committee Report**

Report presented:

- DENT150141
- DENT150169
- DENT160015
- DENT160077
- DENT160077
- DENT160131
- DENT160167
- DENT160272
- DENT160318
- DENT160404

- DENT170057
- DENT170071
- DENT150190
- DENT160327
- DENT160330
- DENT160389
- DENT160472
- DENT160525
- DENT170005
- DENT170014
- DENT170021
- DENT170078
- DENT170079
- DENT160166
- DENT160351
- DENT160390
- DENT160054
- DENT160061
- DENT140319
- DENT160221
- DENT160421
- DENT160332
- DENT160041
- Docket #2014-0048
- E.P.
- DENT160405
- DENT160464
- DENT170025
- DENT170050

**Executive Director’s Report – Ms. Tanja Battle**

No report.

**Attorney General’s Report – Mr. Bryon Thernes**

- Legal advice regarding corporate practice of dentistry and dental management organizations.
- Legal advice regarding methods of teaching.
- Legal advice regarding teeth whitening regulations.

Mr. Thernes discussed the following case:

- Collins v. Battle
- J.R.C.

Mr. Thernes presented the following consent order for acceptance:

- S.S.

**Legal Services – Ms. Anil Foreman**

No report.

No votes were taken in Executive Session. Dr. Yeargan declared the meeting back in Open Session.

## Open Session

Ms. Battle updated the Board on the use of Sharepoint, a confidential file sharing site. She reported that application recommendations will need to be emailed to staff and moving forward all documentation and application information will be uploaded to Sharepoint instead of Epiware.

Dr. Bennett made a motion to table the correspondence received from Dr. Carol Lefebvre, Augusta University, until the Board's November 2016 meeting. Dr. Gay seconded and the Board voted unanimously in favor of the motion.

In regards to correspondence from Laurie Sargeant, which was previously discussed earlier that morning, Dr. Gay made a motion to direct staff to respond to Ms. Sargeant by referring her to Board Rule 150-9-.02 Expanded Duties of Dental Assistants instead of Board Rule 150-5-.03 Supervision of Dental Hygienists. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

Dr. Bennett made a motion to refer Board Rule 150-7-.04 Dental Provisional Licensure by Credentials back to the Rules Committee to more clearly define the definition of "active practice". Dr. Gay seconded and the Board voted unanimously in favor of the motion.

Dr. Gay made a motion to approve all recommendations based on deliberations in Executive Session as follows:

### Appearance

- K.A.G. Denied Credentials Applicant Uphold denial

### Licensure Overview Committee Appointments/Discussion Cases

- A.M.S. Request to terminate probation Approved request
- C.J. Request to terminate probation Denied request

### Applications

- A.A.M. Dental Credentials Applicant Approved application
- K.A.J. Denied Credentials Applicant Overturn denial and approve application
- X.L. Dental Exam Applicant Approved application
- A.L. Dental Exam Applicant Approved application
- D.O. Dental Exam Applicant Approved application
- G.V.Z. Dental Exam Applicant Approved application
- S.E.G. Dental Hygiene Exam Applicant Schedule to meet with Licensure Overview Committee
  
- A.X. Dental Exam Applicant Approved application
- S.Y. Dental Exam Applicant Approved application
- M.A.G. Dental Exam Applicant Approved application
- S.Y.K. Dental Exam Applicant Approved application
- C.J.S. Dental Exam Applicant Approved application
- H.S.P. Dental Exam Applicant Approved application
- B.L.S. Dental Hygiene Reinstatement Approved application
- C.C.T. Dental Hygiene Reinstatement Approved application
- G.T.A. Dental Reinstatement Denied application
- L.B. Dental Reinstatement Approved application

- J.M.V. Dental Faculty Applicant Approved application

### **Correspondences**

- R.C.K. Request for approval of remedial course submitted Approved request
- S.E.W. Request to transfer faculty license to another educational institution Approved request
- A.F.T. Request to extend application Approved request
- R.T. Request for exemption from taking the CRDTS exam Denied request

### **Investigative Committee Report**

Report presented:

<b>Complaint Number</b>	<b>Allegations</b>	<b>Recommendation</b>
DENT150141	Quality of care/substandard practice	Close with no action; flag license in event of reinstatement
DENT150169	Quality of care/substandard practice	Close with no action
DENT160015	Malpractice	Close with no action; flag license in event of reinstatement
DENT160077	Quality of care/substandard practice	Close with no action
DENT160077	Quality of care/substandard practice	Close with no action
DENT160131	Quality of care/substandard practice	Close with no action
DENT160167	Quality of care/substandard practice	Close with no action
DENT160272	Quality of care/substandard practice	Close with no action
DENT160318	Quality of care/substandard practice	Close with no action
DENT160404	Quality of care/substandard practice	Close with no action
DENT170057	Prescribing violation	Close with a letter of concern
DENT170071	Unprofessional conduct	Close with no action
DENT150190	Malpractice	Close with no action
DENT160327	Malpractice	Close with no action
DENT160330	Quality of care/substandard practice	Close with no action
DENT160389	Fraud/misrepresentation	Close with no action
DENT160472	Quality of care/substandard practice	Close with no action
DENT160525	Quality of care/substandard practice	Close with no action
DENT170005	Malpractice	Close with no action
DENT170014	Quality of care/substandard practice	Close with no action
DENT170021	Fraud	Close with no action
DENT170078	Billing	Close with no action
DENT170079	Billing	Close with no action
DENT160166	Quality of care/substandard practice	Close with no action
DENT160351	Quality of care/substandard practice	Close with no action; flag license in event of reinstatement
DENT160390	Malpractice/poor customer service	Close with no action
DENT160054	Unprofessional conduct	Close with no action
DENT160061	Quality of care/substandard practice	Close with no action
DENT140319	Quality of care/substandard practice	Close with no action

DENT160221	Malpractice	Close with a letter of concern
DENT160421	Malpractice	Close with a letter of concern
DENT160332	Malpractice	Close with no action
DENT160041	Quality of care/substandard practice	Close with no action
Docket #2014-0048	Compliance with consent order	Approve the continuing education
E.P.	Request for clarification of rule	Send correspondence to dentist referring him to Rule 150-8-.01 on the dismissal of pts.
DENT160405	Quality of care/substandard practice	Close with no action
DENT160464	Quality of care/substandard practice	Close with no action
DENT170025	Quality of care/substandard practice	Close with no action
DENT170050	Quality of care/substandard practice	Close with no action

**Executive Director’s Report – Ms. Tanja Battle**

No report.

**Attorney General’s Report – Mr. Bryon Thernes**

- Legal advice regarding corporate practice of dentistry and dental management organizations. The Board directed staff to respond by stating the permissibility of these contracts depends heavily on the specific contract and business structures of the entities involved.
- Legal advice regarding teeth whitening regulations. The Board directed staff to respond by pointing to applicable dental statutes (i.e. practice of dentistry) and regulations such as unprofessional conduct.
- Legal advice regarding methods of teaching. The Board recommended tabling this matter until its next scheduled meeting.

Mr. Thernes discussed the following cases:

- Collins v. Battle           Update provided
- J.R.C.                        Update provided

Mr. Thernes presented the following consent order for acceptance:

- S.S.                        Public consent order accepted

**Legal Services – Ms. Anil Foreman**

No report.

Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

With no further business, the Board meeting adjourned at 12:48 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, November 18, 2016, at 12:00 p.m. at the Department of Community Health’s office located at 2 Peachtree Street, N.W., 36th Floor, Atlanta, GA 30303.

Minutes recorded by Anil Foreman, Legal Officer

Minutes edited by Tanja D. Battle, Executive Director